

REMARKS

This amendment is in response to the Office Action of February 7, 2005 in which claims 1-27 were rejected. It also replaces the Preliminary Amendment A filed December 27, 2001 which inadvertently amended the claims filed with the Request instead of the claims attached as the Annexes to the International Preliminary Examination Report.

In Section 2 on page 2 of the Detailed Action, the Examiner rejected the same claims 1-14, 19, 24-27 rejected previously on the ground of obviousness over Reudink (US 6,195,556) but this time in view of Uechara (US 6,477,380). Applicant believes that the unamended independent claims would not have been obvious over the applied prior art because neither cited document discloses the feature of present claim 1 of determining a characteristic parameter describing the line of sight conditions of the radio propagation environment of the receiving station. However, in order to highlight the difference between the subject matter of the present invention and that disclosed in the prior art, we have inserted a further feature into the independent claims, i.e., that the characteristic parameter describes excess path lengths caused by obstacles in the environment by means of one of a number of discrete levels. This amendment is supported by page 14, lines 1-11 and page 19, lines 27 to page 20, line 16.

We note that in the Office Action, the Examiner did not find any disclosure in either Reudink or Uechara which specifically disclosed the feature of determining a characteristic parameter describing line of sight conditions. The Examiner acknowledged that Reudink did not disclose this feature, but suggested that it is well known in the art of telecommunications. The Examiner did not provide any support for this allegation based on prior art documents. It is established that the mere fact that the prior art may be modified as suggested by the Examiner does not make the modification obvious unless the prior art suggests the desirability of the modification, *In re Fritch*, 922 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992).

As was pointed out previously, Reudink employs an information map for a base station coverage area when determining the position of a mobile station in the area. The information map of Reudink contains detailed information on communication attributes at locations throughout the area, such as road map information. In contrast, claim 1 has now been clarified to claim that the characteristic parameter describes excess path lengths caused by obstacles in the environment by means of a number of discrete levels. Reudink does not disclose that its information map relates to excess path lengths caused by obstacles in the environment. Importantly, Reudink does not disclose that a single characteristic parameter is used to describe the line of sight conditions in an area *by means of one of a number of discrete levels*. The present application explains on pages 19 and 20 that the actual values of information parameters could correspond to a few different levels corresponding to some predefined values, for example “excellent”, “good”, etc. The radio coverage areas are then classified accordingly.

It is therefore submitted that the approach taken by Reudink is entirely different from that defined in the claims of the present application. Reudink does not disclose how the information map which it employs might be used to compute the distance between a transmitting station and a receiving station in combination with an appropriate signal feature. In contrast, the characteristic parameter of the present invention is particularly suited to use in computations, because it defines a single value describing excess path lengths caused by obstacles in the radio propagation environment. There is no need for any complicated measurements as proposed by Reudink, and the computations can be kept simple. The true distance between the transmitting and receiving stations can therefore be determined accurately and efficiently with low investment costs and without any additional equipment.

Uechara adds nothing relevant to the disclosure of Reudink. The method disclosed in Uechara does not define a characteristic parameter describing line of sight conditions of a radio propagation environment of the receiving station, but merely measures the distance from a base station to a mobile station based on the time delay for a radio wave to travel between the two stations. This is a standard method of

distance measurement which does not take into account line of sight conditions around the base station. The present invention may also employ signal travel time measurements in the measuring step of claim 1 (see claim 5), but crucially further employs the step of determining the characteristic parameter which makes the method more accurate.

For these reasons, it is submitted that each of the claims 1-14, 19, 24-27 is nonobvious over Reudink in view of Uechara. Withdrawal of the rejection thereof is requested.

Regarding the 35 U.S.C. § 103(a) rejection of claim 19 as being unpatentably obvious over Reudink et al (U.S. 6,195,556), the remarks made above in connection with the rejection of claim 1 and its dependent claims apply here as well. Similarly, independent claim 15, from which the rejected claim 19 depends, has been amended to make it plain that the characteristic parameter describes excess pass lengths caused by obstacles in the environment by means of one of a number of discrete levels. For the same reasons as advanced above in connection with applicant's overcoming of the rejection of claim 1 and its dependent claims, the rejection of claim 19 has similarly been overcome and withdrawal of the rejection thereof on the ground of obviousness is requested.

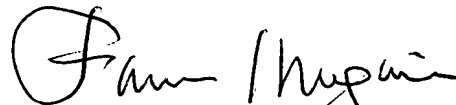
In Section 5 of the Office Action on page 13, the Examiner rejected claims 15-18 and 20-23 on the ground of anticipation by Uechara. Applicant submits that each of these claims are novel over Uechara because the prior art document does not disclose a storage means, controller, control means or calculating means as defined in these claims. Any corresponding components disclosed in Uechara are not adapted to calculate, store or perform computations on a characteristic parameter as defined in the present claims. Moreover, as mentioned above, claim 15 has been amended to make it clear that the characteristic parameter describes excess path lengths caused by obstacles in the environment by means of one of a number of discrete levels. Such is not shown or suggested by Uechara.

Withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1-27 is requested.

The prior art made of record and not relied upon is noted and it is agreed that the presently claimed invention is novel and nonobvious thereover.

The objections and rejections of the Office Action of February 7, 2003 having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-27 to issue is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with the first name "Francis" and last name "Maguire" clearly distinguishable.

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